

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

EQUINEES BOYLES,

Petitioner,

-vs-

Case No. 13-C-1140

**EDWARD F. WALL,
Secretary of the Wisconsin
Department of Corrections,**

Respondent.

DECISION AND ORDER

In his answer, filed on January 22, 2014, the Respondent asserts that pro se Petitioner Equinees Boyles' ("Boyles") petition pursuant to 28 U.S.C. § 2254 should be dismissed because he failed to exhaust state remedies and his claims are procedurally defaulted. By his letter filed on October 29, 2014, Boyles requested appointment of counsel (ECF No.13) to represent him in this matter citing his temporary loss of short-term memory due to chemotherapy.

Boyles subsequently filed supporting medical information and a petition and affidavit to proceed without prepayment of fees and/or costs (ECF Nos. 15, 16). Boyles has established that he is unable to afford counsel. Furthermore, from November 19, 2013 through May 2014, Boyles

was treated with Peginterferon and Ribivirin.¹ He was also diagnosed with severe anemia in February 2014, and has provided medical documentation indicating that anemia can cause difficulty thinking. He is currently taking an iron supplement three times a day.

Based on the information provided, the Court concludes that, pursuant to 18 U.S.C. § 3006A(a)(2)(B), it is in the interests of justice to recruit counsel to represent Boyles in this action and, therefore, grants Boyles' motions for appointment of counsel and for leave to proceed in forma pauperis for that purpose.

The Clerk of Court is directed to send a copy of this Decision and Order to the Federal Defenders Service for the Eastern District of Wisconsin so that it may recruit counsel to represent Boyles. Court-appointed counsel will contact Boyles. No later than January 30, 2015, court-appointed counsel for Boyles must file a status report which includes a statement indicating whether Boyles intends to file a reply to the answer and, if so, the proposed deadline for any reply.

¹ Difficulty concentrating or remembering is listed as a side effect of Peginterferon. Memory loss is also a side effect of Ribavirin. See <http://www.nlm.nih.gov/medlineplus/druginfo/meds/a605029.html> (last visited Nov. 11, 2014).

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS
HEREBY ORDERED THAT:**


Boyles' motion for appointment of counsel and his motion for leave to proceed in forma pauperis for that purpose (ECF Nos. 13, 15) are **GRANTED;**

The Clerk of Court is directed to send a copy of this Decision and Order to the Federal Defenders Service for the Eastern District of Wisconsin.

No later than January 30, 2015, court-appointed counsel for Boyles must file a status report which includes a statement indicating whether Boyles intends to file a reply to the answer and, if so, the proposed deadline for any reply.

Dated at Milwaukee, Wisconsin, this 12th day of December, 2014.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge